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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/634,853 | 08/06/2003 | David Cook | LET-109 | 7008 |

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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT PAPER NUMBER

2165

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/634,853 | COOK ET AL. | |
| | Examiner | Art Unit | |
| | Neveen Abel-Jalil | 2165 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>March 1, 2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Caim Rejections - 35 USC § 102

1 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2 Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Leeke et al. (U.S. Patent No. 6,587,127).

As to claim 1, Leeke et al. discloses a method for providing media samples (See figure 1, 142, “player”) comprising:

receiving a request including at least one media keyword (See column 21, lines 17-50);

identifying one or more media samples that correspond with the at least one media keyword (See column 21, lines 17-50); and

in response to a selection to preview an identified media sample, providing the identified media sample to enable playback on a media device (See column 4, lines 20-30, also see column 9, lines 1-32, also see column 22, lines 53-66).

As to claim 2, Leeke et al. discloses wherein the one or more media samples are identified in conjunction with search results from performing a search based upon the

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media keyword on a search engine (See column 21, lines 17-50).

As to claim 3, Leeke et al. discloses wherein the one or more media samples are identified as links on a search results page of a search engine (See column 14, lines 45-67, also see column 49, lines 13-30, also see column 33, lines 1-20).

As to claim 4, Leeke et al. discloses wherein a consumer is enabled to access other search results during playback of the identified media sample (See column 40, lines 41-52, also see column 47, lines 56-67, and see column 48, lines 1-10).

As to claim 5, Leeke et al. discloses further comprising including a call-to-action statement during playback of the identified media sample (See column 14, lines 64-67, also see column 15, lines 1-37).

As to claim 6, Leeke et al. discloses wherein the media device plays the identified media sample on a branded player that is associated with a retailer (See figure 1, 142, “player”).

As to claim 7, Leeke et al. discloses wherein the branded player provides a link to a consumer to purchase media that corresponds to the identified media sample (See column 33, lines 1-20, also see column 35, lines 6-35).

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As to claim 8, Leeke et al. discloses method for providing media samples comprising:

receiving a search request from a consumer device (See figure 6, 244, wherein “search request” reads on “select”), wherein the search request includes at least one media keyword (See figure 22, 224); and

automatically providing a media sample that corresponds with the at least one media keyword to the consumer device, wherein the media sample is automatically played on a media player associated with the consumer device (See column 21, lines 17-50, also see column 4, lines 20-30, also see column 9, lines 1-32, also see column 22, lines 53-66).

As to claim 9, Leeke et al. discloses wherein at least one search result is identified to the consumer device (See figure 23, 224), and the consumer device is enabled to access the search result during playback of the media sample (See column 40, lines 41-52, also see column 47, lines 56-67, and see column 48, lines 1-10).

As to claim 10, Leeke et al. discloses wherein the media sample is identified in conjunction with search results from performing a search based upon the at least one media keyword on a search engine (See column 21, lines 17-67).

As to claim 11, Leeke et al. discloses wherein the media sample is identified as a link on a search results page of a search engine (See column 21, lines 31-67, also see

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column 14, lines 45-67).

As to claim 12, Leeke et al. discloses wherein a consumer is enabled to access other search results during playback of the media sample (See column 40, lines 41-52, also see column 47, lines 56-67, and see column 48, lines 1-10).

As to claim 13, Leeke et al. discloses comprising including a call-to-action statement during playback of the media sample (See column 14, lines 64-67, also see column 15, lines 1-37).

As to claim 14, Leeke et al. discloses wherein the media device plays the media sample on a branded player that is associated with a retailer (See column 22, lines 1-26, also see column 6, lines 3-62, wherein “sample” reads on “music testing component”).

As to claim 15, Leeke et al. discloses wherein the branded player provides a link to a consumer to purchase media that corresponds to the media sample (See column 33, lines 1-45, also see column 7, lines 5-37).

As to claims 16, and 20, Leeke et al. discloses a system for providing media samples comprising:

a plurality of internet-connected consumer devices for transmitting search requests online, the consumer devices including media players (See column 4, lines 8-67);

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a search engine for receiving consumer search requests from consumer devices, wherein the search engine identifies one or more media samples when a search request is received from a consumer, the search request includes one or more media keywords (See column 5, lines 1-32, also see column 21, lines 17-61); and

a media framework for retrieving an identified media sample selected by a consumer and for providing the media sample to the consumer device for playback on a media player associated with the consumer device (See column 6, lines 3-62, wherein “sample” reads on “music testing component”).

As to claim 17, Leeke et al. discloses wherein the search engine provides a link to the consumer device to access the identified media sample from the media framework, and wherein the media framework maintains reports of identity of the search engine that referred the consumer to the media framework, for billing the search engine for provision of the identified media sample to the consumer (See column 7, lines 1-44, also see column 32, lines 35-67, and see column 33, lines 1-27).

As to claim 18, Leeke et al. discloses wherein the media framework enables playback on the media player associated with the consumer device over a branded player (See figure 37, 874, 876, wherein “branded player” reads on “Banner” and “Logo’s” showing advertisement related to content being played).

As to claim 19, Leeke et al. discloses wherein the search engine is operated by a retailer, and the search engine provides a web page with a link for the consumer to access

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to purchase media corresponding to the identified media sample (See column 14, lines 30-63, also see column 33, lines 1-16).

As to claim 21, Leeke et al. discloses wherein the identified media sample is automatically played back on the media player associated with the consumer device (See column 22, lines 63-67).

As to claim 22, Leeke et al. discloses wherein the identified media sample includes a call to action message (See column 14, lines 30-67, also see column 31, lines 31-48, wherein “call to action” reads on “limited duration samples”).

Conclusion

3 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

LeMole et al. (U.S. Patent No. 6,009,410) teaches content player method and server with user profile.

4 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
October 1, 2004



SAM RIMELL
PRIMARY EXAMINER